

N.22S1

WPA 3327 of 2025

151/CL

12.06.25

SI-12

Ct.551

(S.R.)

Kanu Dey

v.

The State of West Bengal & Ors.

Mr. Allen Felix ... for the petitioner.

Mr. Sayak Ranjan Ganguly

Mr. Srijani Ghosh

Ms. Indrani Majumdar

... for the respondent nos.5 & 6.

The petitioner is aggrieved by the alleged seizure of his vehicle by the respondent no.5 being one Manap Puram Finance Limited.

The principal reliefs sought for by the petitioner through the instant writ petition are as follows: -

“a) A writ of or in the nature of mandamus do issue commanding the respondents 5, 6 to explain the basis of their high-handed and illegal action in causing forcible seizure of vehicle and selling it off to a Third party without prior information to the petitioner or the Regional Transport authority, Purba Burdwan, where the name of the Financier is endorsed in the office records as the financier of the petitioners and to file a report before this Hon’ble Court at the time of hearing.

b) a further writ of Mandamus do issue directing the respondents 5, 6 to consider and dispose of the representation of the petitioner dated 27.12.24 within a stipulated period of time.”

The petitioner submits that despite an order dated July 19, 2024 having been passed by the learned City Civil Court in Title Suit No.1122 of 2024, the respondent

nos.5 and 6 have illegally and forcefully taken possession of the petitioner's vehicle.

It is submitted by the learned advocate appearing on behalf of the respondent nos.5 and 6 that the writ petition should not be entertained as the same is directed against the alleged illegal action of an entity, which does not answer the definition of a State under Article 12 of the Constitution of India. She further submits that the vehicle was rightly repossessed by the respondent nos.5 and 6 in terms of an order dated January 20, 2025 passed by the learned Judge, XII Bench, City Civil Court at Calcutta on an application under Section 9 of the Arbitration & Conciliation Act, 1996 which was registered as Misc. Case 182 of 2025. She hands up a copy of the said order dated January 20, 2025 in Court. The same is taken on record.

Having heard the learned advocates appearing for the respective parties and having considered the material on record, this Court is of the view that the writ petition lacks life.

Firstly, since there is no averment in the writ petition as regards the vehicle having been subsequently sold to a third party and as regards the transfer of ownership thereof having been subsequently registered by the registering transport authorities in favour of such third party, the writ petition cannot be said to be directed against the registering transport authorities.

Secondly, even if an order of injunction passed by the learned City Civil Court has been violated by the private respondents as alleged, the petitioner cannot be permitted to approach the High Court in its writ jurisdiction under Article 226 of the Constitution of India. The petitioner's remedy lies before the same learned Court in terms of the relevant provisions of the Code of Civil Procedure, 1908. Since, there is nothing on record to evince that there has been any illegal action on the part of the Regional Transport Authority, Purba Burdwan or the State Respondents, this writ petition is not entertained at this stage.

With the above observation, the writ petition is disposed of without passing any order as prayed for but leaving the petitioner free to take such appropriate steps before the appropriate forum as may be available to the petitioner, in accordance with law

There shall, however, be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)